



# *CITY COUNCIL*

---

## ***Public Works Committee***

***Monday, November 17, 2008***  
***Meeting Report***

**Attendance:** M. Goodman-Hinnershitz, Chair, S. Fuhs, D. Sterner

**Others Attending:** L. Kelleher, C. Younger V. Spencer, D. Cituk, C. Jones

The meeting was called to order at 5:30 pm by Ms. Goodman-Hinnershitz, Chair

### **I. Orange and Cherry Street Lot Update**

Mr. Jones reported that the project is ready to go out to bid. Project construction is set to begin in early spring 2009.

Mr. Spencer reported that the Zoning Hearing Board approved the company in residential development at the old Wynn Outlet building. Mr. Jones reported that the developer is covering the cost of the installation of parking spaces.

### **II. East Ends Contract**

Mr. Spencer stated that he visited the East Ends Park and had a conversation with some members concerning the need to update the expired contract. MR, Younger followed up on that conversation with a letter referring with the need to renegotiate the loose terms on October 27<sup>th</sup>. Mr. Younger stated that he will issue a second letter sent certified mail notifying them that lack of response will cause eviction. Ms. Goodman-Hinnershitz suggested setting a deadline for the renegotiation.

### **III. Bernhart's Park and Dam**

Mr. Jones states that Bernhart's Park presents the City with a twofold liability; one the contamination of the parka and two the presumed leaking of the dam breast.

Mr. Spencer noted that the contamination levels in the sediment in the lake bed are unknown. He agreed that the City's liability with contamination is just as great with the perceived leakage of the damn breast.

Ms. Goodman-Hinnershitz reported on the park visit by representatives of Council, the City's legal team, the PA DEP and the TSDR. She stated that there official from the DEP and the ATSDR discovered a higher than assumed usage rate and accessibility to some of the highly contaminated areas from the adjoining residential development that was not present when contamination was identified.

Ms. Kelleher reported that she spoke with the City's legal counsel Peg Hill from Blank and Rome several days after the visit. She stated that Peg Hill agreed with Ms. Goodman-Hinnershitz report on the visit. She stated that Ms. Hill reported that the DOH in conjunction with the ATSDR will prepare a report which will be distributed to City officials before the EPA and Exide. The report is expected within one month.

Ms. Goodman-Hinnershitz suggested that the City work with Muhlenberg Township to provide public notice and a community meeting with the surrounding residence before the lake is drained.

Mr. Waltman noted that when the lake is drained the highly contaminated island will be more accessible to the public intensifying the risk of liability and exposure.

Mr. Jones stated that after the lake is drained the City and the DEP will be able to determine if making repairs to the dam breast is an option.

#### **IV. Consent Decree Update**

Mr. Jones distributed a monthly report from the project manager Hill, Weston, Hazen, Sawyer.

#### **V. Other**

Mr. Spencer stated that in 2007 the City budgeted \$150,000 for the \_\_\_ Theater Project at the Riverfront. He stated that this funding was set aside either in capital or in the CDBG budget. He inquired if the money was reprogrammed and actually spent.

Mr. Spencer stated that while attending another meeting he learned that Wayne White, of Greater Berks is assisting with the Pagoda Improvements. Mr. Jones stated that Mr. White is acting as a project manager for the Pagoda Improvements. Mr. Spencer inquired if Mr. White is being paid and if an RFP was put out prior to his retention.

Ms. Goodman-Hinnershitz notified Mr. Jones that the Fairview Christian Center is willing to assist the City with the rehabilitation with Neversink Playground.

Public Works Committee adjourned at 6:20pm.

*Respectfully submitted by Linda Kelleher, City Clerk*